

United States District Court for the Southern District of New York

If You Purchased A Bell + Howell Ultrasonic Pest Repeller Between April 20, 2011 and June 15, 2016, A Class Action Lawsuit May Affect Your Rights

A federal court authorized this notice. This is not a solicitation from a lawyer.

- Purchasers of Bell + Howell Ultrasonic Pest Repellers (“B+H Pest Repellers”) have sued their distributors, BHH, LLC and Van Hauser LLC (“Defendants”), alleging fraud-based and warranty claims. The Plaintiffs allege that Defendants’ pest repellers do not repel pests as claimed. Defendants deny Plaintiffs’ claims, deny any wrongdoing and assert that the products are effective.
- The Court has allowed the lawsuit to be a class action on behalf of three classes:
 - **Nationwide Fraud Class:** “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the United States from April 20, 2011 to June 15, 2016, excluding persons who purchased for purpose of resale.”
 - **Multistate Breach of Express Warranty Class:** “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the states of Alaska, California, Colorado, Delaware, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming from April 20, 2011 to June 15, 2016, excluding persons who purchased for purpose of resale.”
 - **California Class:** “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the state of California from April 20, 2011 to June 15, 2016, excluding persons who purchased for purpose of resale.”
- The Court has not decided whether Plaintiffs’ claims have any merit. Over the course of the suit, and possibly at trial, the lawyers for Plaintiffs will have to prove their case. There are no benefits available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS	
WHAT IS THIS?	<p>The Court has certified this lawsuit as a class action. The lawsuit is now pending for all members of the three classes described above,</p> <p>If you are a Class Member, you have legal rights and options before the Court decides whether the claims being made on your</p>

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or contact Class Counsel at info@bursor.com**

	behalf are correct. This notice explains these things.
DO NOTHING	<p>Stay in the lawsuit. Await the outcome. Give up certain rights.</p> <p>By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you can give up any rights to sue Defendants separately about the same legal claims in this lawsuit.</p>
EXCLUDE YOURSELF	<p>Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue Defendants separately about the same legal claims in this lawsuit. You would be responsible for paying your own lawyers to pursue such a suit.</p>

- Your options – and the deadlines to exercise them – are explained in this notice. To ask to be excluded, you must act before _____.
- Lawyers must prove the claims against Defendants at a trial. If money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

BASIC INFORMATION

1. Why did I get this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Defendants, on your behalf, are correct. Judge William H. Pauley III of the United States Court for the Southern District of New York, is overseeing this class action. The lawsuit is known as *Hart v. BHH, LLC*, Case No. 15-cv-4804.

2. What is this lawsuit about?

In this lawsuit, the Plaintiffs claim that the Bell + Howell branded ultrasonic pest repellers distributed by the Defendants do not repel pests as represented to consumers. Defendants deny Plaintiffs’ claims, deny any wrongdoing and assert that the products are effective.

3. Am I part of this Class?

The Court has allowed the lawsuit to be a class action on behalf of three classes:

Nationwide Fraud Class: “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the United States from April 20, 2011 to June 15, 2016, excluding persons

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who purchased for purpose of resale.”

Multistate Breach of Express Warranty Class: “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the states of Alaska, California, Colorado, Delaware, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming from April 20, 2011 to June 15, 2016, excluding persons who purchased for purpose of resale.”

California Class: “all persons who purchased one or more Bell + Howell ultrasonic pest repellers in the state of California from April 20, 2011 to June 15, 2016, excluding persons who purchased for purpose of resale.”

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class <link>, which is available at www.ultrasonicpestrepellerlawsuit.com.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

From April 20, 2011 through June 15, 2016, Defendants distributed Bell + Howell Ultrasonic Pest Repellers. Plaintiffs contend that the B+H Pest Repellers do not repel pests as claimed. Defendants deny Plaintiffs’ claims, deny any wrongdoing and assert that the products are effective. You can read Plaintiffs’ Complaint <link> at www.ultrasonicpestrepellerlawsuit.com.

6. How do Defendants answer?

Defendants deny any wrongdoing and deny the Plaintiffs’ allegations. You can read Defendants’ answer to the complaint <link> at www.ultrasonicpestrepellerlawsuit.com.

7. Has the Court decided who is right?

The Court hasn’t decided whether the Defendants or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims in the litigation, including at a trial, if necessary.

8. What are the Plaintiffs asking for?

The plaintiffs are generally asking Defendants to provide a full refund of the purchase price Class members paid for the Pest Repellers. Plaintiffs' complaint also seeks to obtain all such other relief to which they may be entitled, including, without limitation, actual and punitive damages.

No money or benefits are available now because the Court has not yet made a final decision whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

YOUR RIGHTS AND OPTIONS

You have to decide now whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

9. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If you stay in and the Class is awarded money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether the class representatives win or lose the trial, you will not be able to separately sue, or continue to sue, Defendants – as part of any other lawsuit – for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

10. Why would I ask to be excluded?

If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between Defendants and Plaintiffs. However, you may then be able to separately sue or continue to sue Defendants for the legal claims that are the subject of this lawsuit. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action.

If you bring your own lawsuit against Defendants after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of

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limitations.

11. How do I exclude myself from the Class?

To exclude yourself from the Class, you must send a request for exclusion *postmarked no later than* _____, to:

Ultrasonic Pest Repeller Litigation
c/o _____
P. O. Box _____
[City], [State], [Zip Code]

Your request for exclusion *must* contain: (1) the name of this lawsuit, “*Hart v. BHH, LLC*, Case No. 15-cv-4804” (2) your full name and current address; (3) a clear statement of intention to exclude yourself such as “I wish to be excluded from the Class”; and (4) your signature. You may also get an Exclusion Request form <link> at www.ultrasonicpestrepellerlawsuit.com.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firm of Bursor & Fisher, P.A. to represent the Plaintiffs and all Class Members as “Class Counsel.” More information about this law firm, its practices, and its lawyers’ experience is available at www.bursor.com.

13. Should I get my own lawyer?

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

14. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendants.

THE TRIAL

15. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims in this litigation, including at a trial if necessary. There is no

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guarantee that the Plaintiffs will win, or that they will get any money for the Class. The trial date has not yet been determined.

16. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Class members, and Defendants will present the defenses. You are welcome to come at your own expense. If you wish to participate in the trial, you should contact Class Counsel.

17. Will I get money after the trial?

If the Class obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

18. Are more details available?

Visit the website, at www.ultrasonicpestrepellerlawsuit.com, where you will find the Court's Order Certifying the Class <link>, the Plaintiff's Complaint <link>, Defendants' Answer <link>, and an Exclusion Request Form <link>.

You may also contact Class Counsel by email at info@bursor.com, or by writing to: Bell + Howell Ultrasonic Pest Repeller Litigation, c/o _____, P. O. Box _____, [City], [State], [Zip Code].

PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR ADVICE.

DATED: _____, 2017

**BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK**